

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 1: Mainstream

SUAZO DITCH

Subfiles: 532, 535, 536, 537 & 538

**MOTION TO AMEND ORDERS
ENTERED IN CONNECTION WITH SUAZO DITCH**

COMES NOW the Plaintiff State of New Mexico *ex rel.* State Engineer, and requests the Court to enter its order amending multiple orders in the Chama Mainstream Section entered in connection with the Suazo Ditch, a community ditch association, and as grounds states as follows:

1. The tracts of land having the right to be irrigated from the Suazo Ditch are set out in the Order filed March 30, 1971 (Docket No. 1678) adjudicating the rights of the Suazo Ditch to the use of the surface and underground waters of the Rio Chama Stream System.
2. Approximately one-half of the tracts listed in the Order filed March 30, 1971 are not irrigated from the Suazo Ditch, rather those tracts are irrigated from the Ranchitos Ditch which is a separate and distinct community ditch association.

3. The following tracts described in the Order filed March 30, 1971 are in fact irrigated from the Suazo Ditch.

<u>Owner</u>	<u>Subfile No.</u>	<u>Map & Tract</u>	<u>Irrigated Acreage</u>
Enrique Garcia	532	4.8	3.45
Gilberto Martinez	535	4.6	0.84
Dometela S. Madrid	536	4.7	1.73
Jose Miguel Suazo	537	4.9	9.64
Jose Miguel Suazo	537	4.9A	1.20
Jose Abedon Abeyta	538	4.10	1.90

4. The following tracts described in the Order filed March 30, 1971 are in fact irrigated from the Ranchitos Ditch.

<u>Owner</u>	<u>Subfile No.</u>	<u>Map & Tract</u>	<u>Irrigated Acreage</u>
Gus Martinez	530	4.1	2.70
Gus Martinez	530	4.1-A	0.03
Gus Martinez	530	4.1-B	0.33
Gus Martinez	530	4.1-C	0.24
Enrique Garcia	532	4.3	0.66
Anna Maria Madrid	533	4.4	0.40
Mrs. S. Duran	534	4.5	0.12

In addition to the tracts listed above, there are other tracts that are irrigated from the Ranchitos Ditch, and the above list is not intended to be comprehensive.

5. The following “No Right” tract described in the Order filed March 30, 1971 is also located under the Ranchitos Ditch:

<u>Owner</u>	<u>Subfile No.</u>	<u>Map & Tract</u>	<u>Acreage</u>
Juan Lopez	531	4.2	2.70

6. The source of water and the point of diversion for the Suazo Ditch are incorrectly described in the Order filed March 30, 1971, and in all of the individual subfile orders entered in

connection with the Suazo Ditch.

7. The correct description of the source of water for tracts irrigated by the Suazo Ditch is the Arroyo Seco (including the waters of Ojito Seco), a tributary to the Rio Chama.

8. The Suazo Ditch diverts water from the Arroyo Seco in two places, and the correct description of the location of the point of diversion is as follows:

New Mexico State Plane Coordinate System, Central Zone, NAD 1927

X = 473,534 Y = 1,892,809

X = 473, 519 Y = 1,892,888

9. The Order adjudicating the water rights for Suazo Ditch filed March 30, 1971 (Doc. No. 1678), and the individual subfile orders entered in connection with the Suazo Ditch listed in paragraph 3 above (Subfiles 532, 535, 536, 537 & 538), should be amended to correct the errors described herein. Correction of these errors is not intended to preclude any future errors and omissions claims ("E & O" claims) in connection with these subfiles.

10. Counsel for the Suazo Ditch, Fred J. Waltz, supports the granting of this motion.

WHEREFORE the Plaintiff State of New Mexico requests the Court to enter an order: (1) amending the Order filed March 30, 1971 adjudicating the water rights of the Suazo Ditch, and (2) amending the individual subfile orders entered in connection with the Suazo Ditch listed above in paragraph 3 (Subfiles 532, 535, 536, 537 & 538), to correctly list and set forth the tracts irrigated by the Suazo Ditch, and to correctly describe the source of water and the point of diversion of the Suazo Ditch.

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I hereby certify that a copy of Plaintiff's Motion to Amend Orders Entered in Connection with Suazo Ditch was mailed to following persons on November 23, 2004.

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